

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PACE-O-MATIC, INC.,

Plaintiff,

v.

ECKERT SEAMANS CHERIN &
MELLOTT, LLC,

Defendant.

CIVIL ACTION NO. 1:20-cv-00292

(WILSON, J.)

(SAPORITO, M.J.)

ORDER

AND NOW, this 1st day of December, 2023, upon consideration of the parties' submissions¹ and the purportedly privileged documents submitted for *in camera* review,² and in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. With respect to PRIV-00105 (Control No. 1900236), the objection to production on attorney-client privilege grounds is **OVERRULED**, but the objection to production on federal work-product protection grounds is **OVERRULED in part and SUSTAINED in part**—

¹ POM discovery dispute letter (Doc. 295); Eckert discovery dispute letter (Doc. 298).

² Binder of purportedly privileged documents for *in camera* review (Doc. 305).

this document shall be produced, but with the email sent by William J. Downey at 11:01 a.m. on June 2, 2019, redacted;

2. With respect to PRIV-00366 (Control No. 304699), the objection to production on attorney-client privilege grounds is **OVERRULED**, but the objection to production on federal work-product protection grounds is **OVERRULED in part and SUSTAINED in part**—this document shall be produced, but with the first three paragraphs (following the salutation “Guys,”) redacted;

3. With respect to PRIV-00614 (Control No. 800947), the objection to production on attorney-client privilege grounds is **OVERRULED in part and SUSTAINED in part**—this document shall be produced, but with the email sent by Mark S. Stewart at 12:56 p.m. on February 9, 2020, redacted;

4. With respect to PRIV-00925 (Control No. 1900567), the objection to production on attorney-client privilege grounds is **OVERRULED**, but the objection to production on federal work-product protection grounds is **SUSTAINED**—this document shall *not* be produced;

5. With respect to all other documents challenged by POM³ and submitted for *in camera* review, the objections to production on attorney-client privilege and federal or state work-product protection grounds are **OVERRULED**—these documents shall be produced *without* redaction;

6. Absent timely appeal of this order, the defendant shall produce the documents described in the preceding paragraphs to the plaintiff, in the manner described, **within 21 days** after entry of this order; and

7. The parties shall each bear its own costs in connection with this discovery dispute.

s/Joseph F. Saporito, Jr.
JOSEPH F. SAPORITO, JR.
United States Magistrate Judge

³ The list of challenged documents is set forth in POM discovery dispute letter at 2, 5 (Doc. 295) and *id.* ex. 5 (Doc. 295-6).